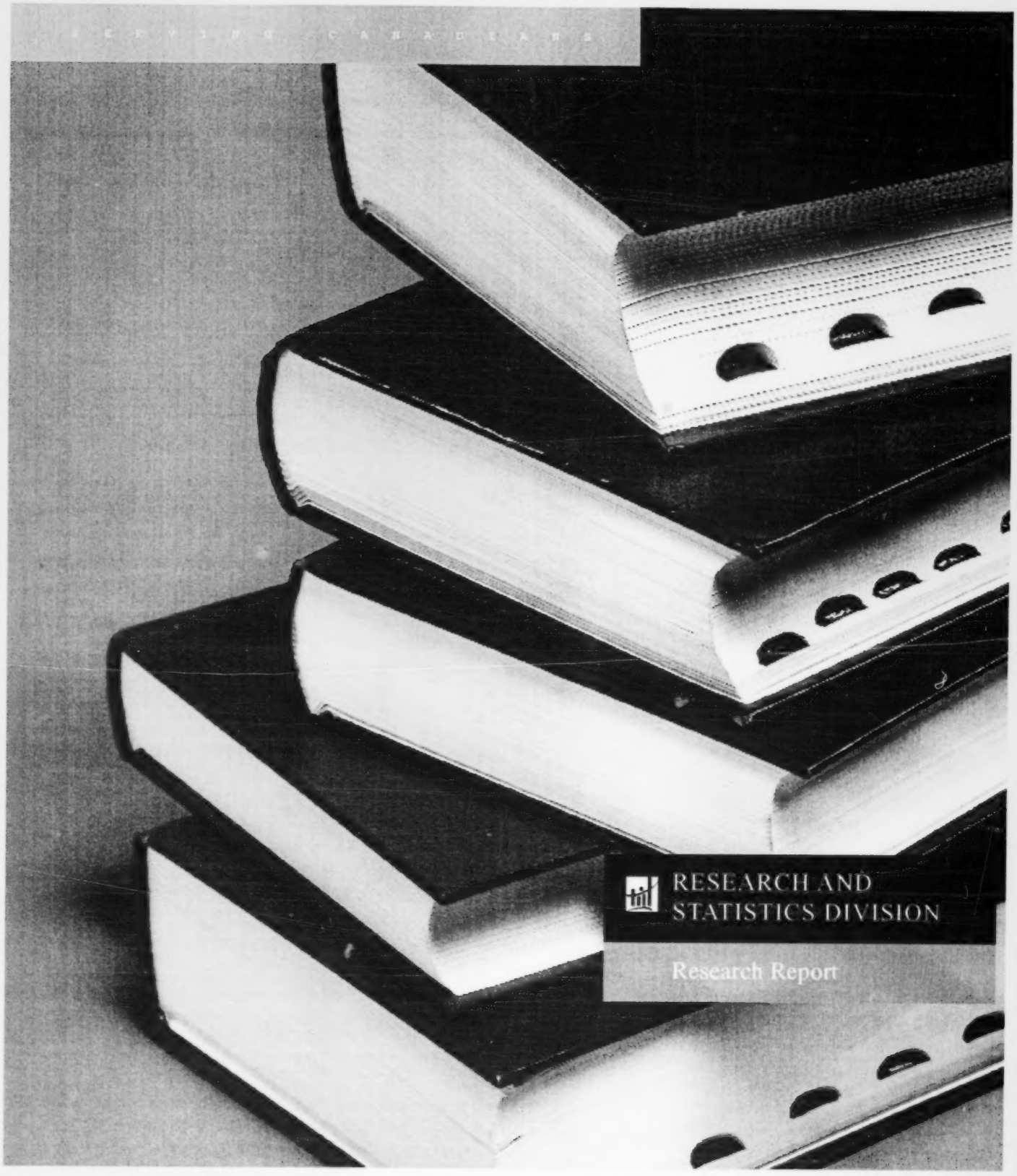

Department of Justice Canada
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Canada

IDENTIFYING RESEARCH GAPS IN THE PROSTITUTION LITERATURE

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The views expressed in this report are those of the author and do not necessarily represent the views of the Department of Justice Canada.

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Preface

The Research and Statistics Division at the Department of Justice Canada has played an important role in several research projects on prostitution-related issues in Canada. In 1989, the Department coordinated research that assessed the impact of the communicating law on street prostitution (1989). More recently, in 1995 the Department commissioned regional studies on violence against persons involved in prostitution. This year, the Research and Statistics Division will publish a literature review on youth involved in prostitution, and results from Dr. Susan McIntyre's research on the process of exiting the sex trade. In March 2001, the Research and Statistics Division commissioned two independent examinations of the prostitution-related literature to identify the main research gaps in this area. This report was completed by Dr. John Lowman and outlines several trends in the prostitution literature, as well as nine 'research priorities'. The results of this document will provide the Division and other interested partners with valuable information on research needs in this important policy area.

About the Author

Dr. John Lowman is Professor of Criminology at Simon Fraser University, Burnaby, British Columbia. For over twenty years, Dr. Lowman has conducted research on various aspects of the sex trade in Canada. He is co-editor of *Regulating Sex* (with Margaret Jackson, Ted Palys and Shelley Gavigan, 1986), *Transcaceration* (with Bob Menzies and Ted Palys, 1987) and *Gambling in Canada* (with Colin Campbell 1989). In addition to numerous journal articles on prostitution, he is the author of several Department of Justice reports, including *The Vancouver Field Study of Prostitution* (1984) *Street Prostitution: Assessing the Impact of the Law* (1989) and *Violence Against Persons who Prostitute: The Experience in British Columbia* (1995).

Research on Prostitution in Canada

This paper describes the main trends and issues in contemporary research on prostitution, prostitution law and social service policy in Canada with an eye to identifying immediate research priorities. The review describes research on male, female and transgendered prostitution and the legal and social response to it. The review is based on the research listed in the bibliography on prostitution in Canada (Appendix B). Also, where relevant, I identify ongoing research I am aware of. The paper discusses research on the players involved in prostitution — sex sellers, the managers/owners of prostitution enterprises, and sex buyers — and on the social, legal and political reaction to prostitution, including the criminal justice and welfare system responses.

For the purposes of this discussion, "prostitution" refers to exchange of direct contact sexual services for money or other considerations.

Trends in Public and Political Rhetoric On Prostitution

During the social purity crusades that swept Britain and North America in the early 1900s, and particularly from 1903-1917 in Canada, the "social evil" of prostitution was a core issue for social reformers. Through their efforts, the "white slave trade" was regular fair for local and national newspapers, and the subject of international conventions and agreements. But like most debates about social issues at the time, talk about prostitution proceeded without the benefit of social-scientific research as we know it today.

An on-going study of news content of the *Globe and Mail, Vancouver Sun* and *Province* from 1900 to the present indicates that, after the flurry of interest in prostitution at the beginning of the twentieth century, it was more than sixty years before prostitution became a national issue again. By 1920, prostitution was no longer the object of any broadly based social reform movement. From 1920 to 1975, the three newspapers in question contained few items on prostitution, apart from stories about intermittent moral crusades by local politicians or their opponents to close down what appears to be a flourishing indoor trade. But after 1975, the number of news reports increased dramatically, and today prostitution continues to generate news as a prominent "social problem."

Main Trends in Research

Apart from a few isolated studies on its health implications (e.g. Williams, 1941) and its history (e.g. Gray 1970, Rotenberg, 1974), very little research of any kind was conducted on prostitution in Canada prior to 1970. During the 1970s, as social scientific research blossomed in all fields, the first Canadian survey research with prostitutes was conducted (Layton, 1975) and in 1980, the first ethnography of Canadian prostitution (Prus and Irini, 1980) was published.

After 1984 what had been a trickle of studies turned into a flood. Much of the impetus for this renewed interest in prostitution came from what news media portrayed as an altogether new

"problem," the expansion of street prostitution after police closed off-street prostitution venues in Vancouver (cf. Lowman, 1986a) and Toronto (cf. Brock, 1998) during the mid 1970s. Under pressure to do something about the "street prostitution problem," the federal government of the day included prostitution in the mandate of two special committees — the *Committee on Sexual Offences Against Children and Youth* (the Badgley Committee), and the *Special Committee on Prostitution and Pornography* (the Fraser Committee). Research performed for these two Committees provided the first relatively comprehensive information about prostitution in Canada, and helped provide the stimulus for what is now a substantial research literature. Indeed, we have probably reached the point where street prostitutes have provided more research interviews than any other category of law-breaker in Canada.

Research with Prostitutes

In 1982, the Badgley Committee was mandated to review sexual offences against persons under 18. Its research included the first national survey of prostitutes in Canada, and included interviews with 145 females and 84 males under the age of 20 years (*Committee on Sexual Offences Against Children and Youth*, 1984). The Committee's report marks a decisive point in the Canadian literature because it helped introduce the idea that although the Canadian age of consent is 14, prostitution involving 14 to 17 year-olds is a form of *sexual abuse*.

In 1984, as background research for the Fraser Committee, the Department of Justice Canada conducted further research on prostitution, including five regionally-based interview surveys (Crook 1984, Gemme et al 1984, Fleischman 1984, Lautt 1984, Lowman 1984, Sansfaçon 1985). Three years later, the Department of Justice funded a second round of surveys (Fleischman 1989, Brannigan et al, Gemme et al 1989, Graves 1989, Lowman 1989, Moyer and Carrington 1989) as part of the Federal evaluation of *Criminal Code* s.213, the communicating law.

At about the same time that the Badgley and Fraser Committees were initiating the first national research on prostitution, academic researchers began conducting local and regional surveys of prostitutes (e.g. Biesenthal 1993, Edney 1990, Kohlmeyer 1982, Mathews 1986, McIntyre 1995, Shaver 1996) and a new generation of researchers (e.g. Benoit, Lewis, Maticka-Tyndale and others) are continuing that tradition. Independent research conducted by or through social service agencies (e.g. Meiklem 1989, Michaud 1988, Street Outreach Services 1987) also contributed to the first generation of social science research on prostitution. More recently, Health Canada and the Social Sciences and Humanities Research Council have funded several prostitution studies.

As well as an extensive literature on female prostitution, there is an important literature on male prostitution. Many general prostitution surveys (e.g. Badgley 1984, Capital Regional District 1997) have included both males and females in their samples. Other studies have focussed exclusively on male prostitution (see e.g. Allman 1999 and Visano 1987).

Research Findings

The various surveys of street prostitutes through the 1980s consistently reported that approximately 70% of adult males and females working the street began their involvement in prostitution prior to their eighteenth birthday. This finding has spawned a lengthy debate about the causes and consequences of youth involvement in prostitution. The debate about "causes" of female youth prostitution centres around the role of "sexual abuse" and other familial factors that may contribute to a girl's running away from or being thrown out of the

home, and external factors such as recruitment by "pimps." Research on male prostitution suggests similarities to and differences from their female counterparts: males who become involved in prostitution also leave home at a relatively early age, but the problems leading to their dislocation from the home include other factors. In the case of boys, the decision to leave home may involve conflicts about their homosexuality or gender identity. In the case of girls, sexual abuse is thought to be a key factor. In both cases, youths become involved in prostitution after they flee home conditions they feel they cannot cope with, or after they are kicked out. State raised youth appear disproportionately in the ranks of both male and female street prostitutes.

Generally, the survey literature indicates that there are two sets of factors involved in a youth's drift into prostitution. The first set of factors "push" a youth from home — be it their parents' home, a foster home or group home — while another set of factors "pulls" them to the street (cf. Lautt 1984; Mathews 1986, 1987; Visano 1987). While there are many pull factors, one of the most important is the need for money to survive, which is why youth involvement in street prostitution is sometimes referred to as "survival sex." With little education and few job skills, one obvious survival strategy for a young female is prostitution. Because of the convergence of illicit drug networks and the street prostitution scene, she may then become involved in addictive drug use and entrenched in a lifestyle where prostitution is used to finance that drug use. A subculture of pimping revolves around recruiting girls into the prostitution trade and or controlling those who already are involved.

One effect of the research portrait of the circumstances leading up to a youth's decision to prostitute has been a shift in discourse about prostitution. The main concern of political activists driving prostitution law reform in the 1980s was *public nuisance*. Street prostitution was the break down of law and order, and most of the talk was about how to restore order. But through the 1980s and on into the 90s, what began as a secondary concern has become the primary concern: the *sexual exploitation of children and youth*.

Through the 1990s there were numerous municipal task forces on the sexual exploitation of youth (e.g. in Alberta and BC see: Burnaby 1998, Calgary Task Force on Children Involved in Prostitution 1997, Capital Regional District 1997) and various provincial initiatives and inter-provincial initiatives that either explicitly focus on youth involvement in prostitution (see e.g. the Alberta Task Force on Juvenile Prostitution 1997; British Columbia Ministry of Attorney General 1996; Manitoba Child and Youth Secretariat 1996) or include it as one of their primary mandates (Federal-Provincial-Territorial Working Group on Prostitution 1995a, 1995b, 1998). More recently, the organization *Save the Children* has become active in research designed to highlight the plight of "sexually exploited youths" (Bramly et al 1998, Kingsley 1997, Kingsley and Mark 2000, Rabinowitch 2000, Save the Children 2000). In 1999, Alberta was the first province to introduce legislation treating prostitution of persons between the ages of 14 and 17 years as "sexual abuse" and has introduced varying degrees of "secure care" (i.e. custody) as a way of radically intervening in the lives of youths involved in prostitution. Other provinces, including British Columbia, Manitoba, Ontario and Nova Scotia are now considering similar legislation.

Prostitution Among First Nations Peoples

In cities in British Columbia and across the Prairies, aboriginal women appear in disproportionate numbers in the ranks of street prostitutes. Research on youth involvement in prostitution has emphasised that aboriginal youth tend to become involved in prostitution at

an earlier age than others, and a larger proportion are involved in use of illicit hard drugs, including heroin and crack cocaine. They tend to experience higher rates of criminal victimisation while working the street than their non-native counterparts.

Research on the Social Reaction to Prostitution

Alongside the burgeoning literature on the players involved in prostitution, there have been numerous studies of the history of prostitution law (e.g. Backhouse 1985, Cassels 1985, Larsen 1992, McLaren 1986, Nilsen 1980, Rotenberg 1974, Russell 1982) and the politics of prostitution (see generally Brock, Larsen, Lowman and Shaver). The five Department of Justice Canada funded studies conducted as part of parliament's evaluation of the communicating law provide one of the few detailed portraits of contemporary prostitution law enforcement (Brannigan et. al. 1989; Gemme et al 1989; Graves et. al 1989, Lowman 1989; Moyer and Carrington 1989). Also, Statistics Canada has devoted two issues of *Juristat* to prostitution offences (Wolff and Geisel 1993, Duchesne 1997).

Research Priorities

1) Information about off-street prostitution.

One of the most conspicuous gaps in research on prostitution concerns the off-street prostitution trade in escort services, body rub parlours, massage parlours, steam baths, private advertising and various kinds of "exotic dance" establishments[1] (for important exceptions, see Lewis 1998, and Maticka-Tyndale, et al, 1999).

In the early 1980s, concern about the nuisance aspects of the street prostitution trade provided the main stimulus for prostitution research funding. When the federal government initiated research, public nuisance concerns shaped research questions. While many researchers were interested in including men and women working in off-street venues, most of the surveys of the 1980s and early 1990s involved street prostitutes. In the 1990s, the bulk of survey research was devoted to youth prostitution, most of which occurs on the street. The image created by these studies is of an inseparable link between prostitution and victimisation. But is this an intrinsic feature of prostitution, or an artefact of research methodology? One Dutch commentator (Vanwesenbeeck 1997) suggests the latter:

> Prostitution ... and victimization are often almost equated with each other. Many people assume that 9 out of 10 sex workers have been victimized sexually and/or physically, in childhood and/or in their adult lives, and that that must be the reason why they enter sex work in the first place...
>
> Some of you may be familiar with American or Canadian studies that have come up with a very high prevalences. Silbert and Pines, for instance, interviewed 200 (current and former) street-prostitutes in the US in the beginning of the eighties, and found that 60% were sexually exploited as juveniles with an average of two perpetrators

[1] In general, escort services and body rub parlours provide prostitution services. The overlap between exotic dancing and prostitution varies geographically. Many massage parlours and health enhancement centres offer therapeutic services only; an unknown number offer "extras" (i.e. prostitution services).

each. Bagley and Young in Canada ... found 73% of 45 women to have been sexually abused as a child.

These figures are in sharp contrast with my own findings in the Netherlands. We found a bit more than 15% of some 130 sex workers (who were still working at the moment of interviewing) to report sexual abuse by a family member or acquaintance before the age of 16. All of these cases involved multiple and severe abuse... However, the picture is by far not as grim as the one sketched by Silbert and Pines and Bagley and Young. My explanation for this is that the American and Canadian studies focus mainly on street prostitutes, often recruiting their respondents in jails, and in so doing, often have investigated those prostitutes who are worse off. Indeed, our findings for the women working on the streets were comparable to those in these studies. But, when a diversity of prostitutes is taken into account, when sex workers are recruited in all different working sites to form a more or less representative sample, figures are clearly not as high. If one wants to say something about sex workers as a group, women working in all the various forms of prostitution will have to be taken into account in order not to confirm stereotypes about sex workers that are not even half true.

Much the same can be said about the findings of research on violence against prostitutes. Canadian research has shown that street prostitutes are frequently sexually assaulted, physically assaulted and robbed. A series of studies funded by the Department of Justice Canada in the mid-1990s revealed high levels of victimisation of Canadian prostitutes (Brannigan 1996, Fleischman 1996, La boîte à qu'on-se-voir 1996, Lowman and Fraser 1996). However, levels of violence may differ substantially in different areas of street prostitution (Lowman and Fraser 1996, Lowman 2000). Also, they vary greatly in different prostitution venues. For example, in a study of prostitution in Birmingham England, Kinnell[2] found that "violence was overwhelmingly associated with street work" and that off-street work was much safer by comparison.

While street and off-street populations are not mutually exclusive, many escorts and others working indoor venues have never picked up clients on the street. It appears likely that in many Canadian cities, far more people work in the off-street prostitution trade than the street trade. It is not clear whether the social profile and background of these women and men is anything like the profile of the "sexually procured youth" provided by Canadian research on street prostitution.

Some recently completed and on-going research[3] will begin to provide information about prostitution in off-street venues. However, it appears that there is important geographic variation in the way that off-street prostitution operates in different cities.

[2] "Prostitute's exposure to rape and other violence as an occupational hazard." Paper presented to the European Conference on Methods and Results of Psycho-Social Aspects of AIDS - The Behavioral Aspect, Berlin, Germany, Sept. 1994

[3] On-going research includes the work of Jacqueline Lewis, Eleanor Maticka Tyndale and Fran Shaver in Ontario and Quebec and Cecilia Benoit in Victoria B.C.

Research priority: A geographically comprehensive program of research on the men and women involved in the off-street prostitution trade across Canada. This should be co-ordinated with research already in progress.

2) Paucity of Research on Managers, Recruiters and Owners of Prostitution Businesses

When it comes to Canadian prostitution law, the word "pimp" does not appear in the Criminal Code. Instead, section 210 prohibits owning or running a bawdy-house, section 211 prohibits anyone from knowingly transporting someone to a bawdy-house, and section 212 prohibits "procuring." Section 212(j) makes it an offence to "live wholly or in part on the avails of prostitution" of another person. In combination, the bawdy-house and procuring laws make third party management of prostitution a criminal offence.

Currently, while much is said about "pimps," Hodgson's Games Pimps Play: Pimps, Players and Wives in Law (1997) is only academic study of the men and women involved in the "management" of prostitution. The only other work on managers is Jessome's (1996) journalistic account, Somebody's Daughter. Also, there is one short paper (Gibson, 1992) on laws relating to pimping. As in news media, reference to "pimps" in the academic literature is mainly to the men who control street prostitution strolls, but very little of what is said is based on primary research. And there is virtually no information about the managers and owners of the multimillion-dollar off-street prostitution business in escort services and body rub parlours etc., who no doubt outnumber street pimps many times over.

Research priority: A geographically comprehensive program of research on the facilitators and organisers of the off-street sex trade across Canada.

3) Research on the Interface of Criminal and Municipal Law

Although it is an offence to live on the avails of prostitution and own or operate a bawdy-house, it is obvious that a huge off-street prostitution business is flourishing in every city across Canada. However, from 1974 through to the mid 1990s, the number of charges for bawdy-house violations fell from roughly one thousand a year to 200 a year. Now, municipal governments license the off-street prostitution trade and appear to exercise a form of wilful blindness when it comes to enforcing the criminal law against these establishments. One of the likely reasons is the experience of Toronto and Vancouver in the mid-1970s when, by putting prostitution on the street (cf. Lowman, 1986, Brock, 1998), police helped create the "prostitution problem" — i.e. the *street* prostitution problem — that came to the fore in the 1980s. Since the enactment of the communicating law in December 1985, 95% of all prostitution offences have been for communicating. The visibility of prostitution appears to be the primary concern driving law enforcement efforts.

At this time, there is no research on the history of the development of municipal regulation relating to various kinds of sex industry establishment, including "exotic dance" bars, escort services, massage parlours, body rub parlours, steam baths, etc. However, a preliminary investigation of city by-laws shows that, for example, in Vancouver there is a crucial distinction in the licensing laws relating to massage parlours, health enhancement centres and body rub parlours, and between escort and dating services (see Appendix A). In Vancouver, it would appear that there is a deliberate attempt to limit prostitution to escort services and body rub parlours. Other municipalities use similar tactics to regulate prostitution.

Research priority: To understand the way municipal by-laws and policies shape and facilitate the off-street prostitution trade, we need a research program on the development of municipal by-laws in different jurisdictions across Canada to see how municipal law meshes and/or conflicts with criminal law relating to prostitution.

4) Research on the Clients of Prostitutes

To date there has been very little research on the clients of prostitutes. The first research program devoted exclusively to clients was funded by the Province of British Columbia (see Lowman et al, 1996, 1997; Atchison et al, 1998). There is now a series of new studies underway, the result of the research opportunity created by the establishment of "John Schools" in at least twelve municipalities across Canada. However, the strategy generally being used is to give the men attending John School a self-administered questionnaire to fill out during or just after the session they attend. It is unclear how much the setting and timing of the questionnaire will influence the results. Also, because men attend John School after having been charged under the communicating law, the information generated by these surveys will be restricted to the clients of street prostitutes.

Research priority: In order to counteract the biases that will be created by research on men attending John School, there should be a geographically comprehensive research program on clients using the contact methods that were developed in the British Columbia study, which yielded 36 phone interviews and 80 self-administered questionnaires. One purpose of this research would be to examine the influence of John School on client behaviour independently of the research being done on John School students.

5) Program Evaluation Research

In general, there is very little research evaluating different kinds of social services for prostitutes. Indeed, as far as I am aware, there is not even an inventory of the programs for prostitutes, such as there are, developed in different provinces.

In 1999, Alberta passed the *Protection of Children Involved in Prostitution Act*, empowering police and social workers to place in "*secure care*" any person under the age of eighteen years who is thought to be involved in prostitution. This program has been implemented without any provision for an independent evaluation of its impact. Under recent revisions to the *Act*, a youth may be placed in secure care for up to seven weeks. There is no limit on how many times a youth can be recycled through the program. Similar legislation has been introduced in several other provinces. If the experience in Alberta is anything to go by, far from being a last resort for youths involved in prostitution, it will become the first resort. While other provinces are following Alberta's lead in instituting secure care, it is not clear whether there are plans to independently evaluate the programs being introduced.

Research priority: A comprehensive inter-provincial evaluation of secure care and other programs for youths and adults involved in prostitution is needed to ascertain whether these programs are effective.

6) Research on Criminal Code s.212(4): offering to purchase or purchasing sexual services from a person aged under 18 years.

In January 1988, following the recommendations of both the Fraser and Badgley Committees, a new law was enacted making it an offence to purchase or offer to purchase sexual services from a person under the age of eighteen years. However, despite revisions to this law in 1998, it appears that it is still rarely enforced.

Secure care is controversial for many reasons, not the least being whether it will make problems of youth prostitution more intractable by driving it under ground. One question that critics ask is why a province like Alberta is locking up the victims of a crime in the name of protecting them, but doing little or nothing to prosecute the offenders. In Vancouver, social service agencies on the Downtown Eastside have been involved in a long-standing campaign to encourage local police to enforce s.212(4). Their campaign, along with the seeming paradox that secure care is "punishing" the victim, raises a more general question about provincial variations in patterns of s.212(4) enforcement — or lack thereof.

Research priority: a geographically comprehensive study of police practices and Crown counsel policies in relation to s.212(4) is needed to establish whether there are significant provincial differences in charge rates and, if there are, what accounts for them.

7) Longitudinal Studies

Almost all research on prostitution in Canada has involved cross-sectional rather longitudinal analysis. In general, longitudinal studies provide much richer data than cross-sectional studies and, when a series of interviews at different time periods are planned ahead of time, allow the research participant to create data by, for example, keeping diaries that would be unavailable otherwise. The only longitudinal study being funded is Cecilia Benoit's five-year panel study just beginning in Victoria, B.C.

Research priority: Longitudinal designs in all areas of prostitution research.

8) Studies of Exit from Prostitution

Canadian interview research on prostitutes has focussed on the entrance into prostitution. There is very little research on the exit from prostitution. One notable exception to this pattern is McIntyre's current study involving interviews with the persons she originally studied in the early 1990s as part of her doctoral research (McIntyre, 1996). Her follow-up study will be particularly valuable for the information it provides about the experience of some of her research participants in exiting prostitution and will provide a model for future research of this sort. Such research should examine the experiences of males and females in different styles of prostitution, and pay particular attention to the entrenchment of aboriginal women in prostitution.

Research priority: A comprehensive study of exit from male and female prostitution in different venues, both street and off-street.

9) Transgender and transvestite prostitution

While several studies have focussed on or included male prostitutes in their samples (e.g. Badgley, 1984; Visano, 1987; Capital Regional District, 1997), no Canadian study has focused exclusively on either transgender or transvestite prostitution.

Research priority: A national study of transgender and transvestite prostitution.

Appendix A
An Example of the Municipal Regulation of Prostitution: Vancouver Licensing By-laws

Canadian political rhetoric about prostitution is mainly abolitionist or prohibitionist. On the grounds that they do not want to be seen to condone prostitution, most politicians staunchly refuse to talk about where street prostitution might be relocated. And yet, prostitution is legal, and a widespread municipally licensed prostitution business is flourishing across Canada. By way of example, consider the prostitution licensing system now operating in Vancouver.

The City of Vancouver License By Law No. 4450 provides a schedule of annual licensing fees for various businesses, and provides a series of definitions to distinguish them. When it comes to prostitution, five categories are of particular interest: *Dating Services;*
Escort Services
Massage Parlours;
Health Enhancement Centres;
Body Rub Parlours/Body-Painting Studios/Model Studios.

These By-laws read as follows:

Out Call-Type Venues

Dating Service (By-laws 5283-1979; 6038-1986; 6646-1990)

"Every person operating a dating service shall:

a) supply the license Inspector with the name, age, address and description of every person proposed to be employed or engaged in the business;
b) notify within 72 hours of any change of personnel; and
c) maintain a written record of all persons registered with the dating service showing their name and address and the name and address of the person to whom they have been referred for a social engagement."

Social Escort Service (By-laws 6373-1988; 6466-1989, 6646-1990)

"(1) Every applicant for a license to operate as a Social Escort Service shall include in the application the trade name or names under which such business will operate and advertise.
(2) Every person who intends to operate or advertise a Social Escort Service under a trade name other than that specified in the application for a license shall notify the Inspector in writing of the intended trade name at least 14 days prior to its use.

(3) No person carrying on the business of a Social Escort Service shall offer the services or name of any Social Escort, or introduce customers or potential customers to any Social Escort, unless that escort is at least nineteen years old.
(4) No person carrying on the business of a Social Escort shall offer the services or name of any person required to be licensed pursuant to this By-law unless that person is so licensed.
(5) At all times during which the premises specified in the license application as the place of business of the Social Escort Service are open for business the operator or a licensee or employee shall be present on the premises.
(6) Every person carrying on the business of a Social Escort Service shall:
(a) maintain on the premises a list of all current employees and all persons being handled on an agency basis; and
(b) upon request make such a list available for inspection by the Inspector or Chief Constable."

Fixed-Location Venues

Steam Bath and Massage Parlour (By-laws 4782-1974; 6038-1986; 6646-1990)

"(1) No person owning, keeping, maintaining or operating any bath, steam bath, or massage parlour shall allow or permit any person of the male sex to act therein as an attendant or employee in respect of any person , customer or patron of the female sex; or allow or permit any person of the female sex to act as an attendant or employee in respect of any person, customer or patron of the male sex; nor shall any person so owning, keeping, maintaining or operating any bath, steam bath or massage parlour attend, treat or serve any person, customer or patron thereof of the opposite sex.
(2) Every person owning, keeping, maintaining or operating any bath, steam bath, or massage parlour shall provide and keep therein a written and legible record in journal form of all persons using the facilities of the said bath, steam bath, or massage parlour to record his or her name and home address together with the date and time of such registration in such register.
(3) No person owning, keeping, maintaining or operating any steam bath shall allow persons of the opposite sex to occupy the same room or adjoining rooms with an inter-communicating door or which have doors opening into a common steam room. PROVIDED, however, that a person may maintain a steam bath having a family room intended to be occupied and occupied by members of the same family, if such a room is closed off from the rest of the steam bath by a door.
(4) Every person owning, keeping, maintaining or operating any bath, steam bath, or massage parlour shall ensure that the interior of the premises is at all times during business hours illuminated to a minimum of ten foot candles in every part thereof."

Health Enhancement Centre (By-laws 6830-1991; 7052-1992)

"(1) The Inspector shall not issue a license for a health enhancement centre unless satisfied that either the applicant for the license or an officer of the applicant demonstrates a knowledge and understanding of the art and practice of reflexology, shiatsu, biokinesiology, hellework, polarity, reiki, rolfing or the trager approach, or any other therapeutic touch technique, and the Inspector may, in that regard, require the applicant or officer to take and pass an examination.

(2) Every person carrying on the business of a health enhancement centre shall ensure that all persons hired to administer a therapeutic touch technique are qualified in that respect and have not been convicted of an offence under sections 212 or 213 of the *Criminal Code*.
(3) No person carrying on the business of a health enhancement centre shall employ any person to administer a therapeutic touch technique unless that person is at least 19 years of age.
(4) No person carrying on the business of a health enhancement centre shall remain open for business or administer a therapeutic touch technique between the hours of 12.00 midnight and 8.00 a.m.
(5) No person carrying on the business of a health enhancement centre shall allow any employee or other person on the premises to engage in or offer to engage in an act of prostitution."

Body Rub Parlour/Body-Painting Studio/Model Studio (By-laws 4957-1976; 4969-1976; 5283-1979; 6596-1989; 6646-1990; 6830-1991; 7052-1992)

"(1) Every applicant for a license to operate a body-rub parlour, body painting studio or model studio shall supply the Chief Constable and the Inspector with the name, age, address and sex of all persons employed by the applicant.
(2) Repealed.
(3) No person carrying on the business of operating a body-rub parlour, body painting studio or model studio shall
    (a) employ any person on the licensed premises unless such a person is 19 years of age or over;
    (b) permit any person to be on the licensed premises at any time unless such a person is 19 years of age or over
(4) Every applicant for a license for a body-rub parlour, body painting studio or model studio shall be accompanied by a floor plan of the entire premises in such scale and detail as may be prescribed by the Inspector, and when any alterations are made to the licensed premises, plans thereof shall be filed with the Inspector forthwith.
(5) All rooms used for a body-rub parlour, body painting studio or nude photography shall comply with the following condition:

    (a) shall not be less than 2.4 metres by 2.4 metres;

    (b) shall not be equipped with any locking device;

    (c) other than a door providing entrance thereto, shall not have any means by which any person may view the interior thereof;

    (d) shall be equipped with lighting of at least 50 candle power which shall remain "on" when the door is closed.

(6) No person who carries on the business of operating a body-rub parlour, body painting studio or model studio shall permit any person to enter or remain thereon between the hours of 12 midnight and 8.00 a.m.
(7) No person carrying on the business of a body-rub shall permit any person engaged in providing a body rub in the licensed premises to perform the same unless the person is wearing clean, washable, non-transparent outer garments covering his or her body between the neck and the top of the knee, the sleeves of which do not reach below the elbows.
(8) No body-rub parlour proprietor shall exhibit himself or herself nor permit other persons to exhibit themselves, in any window on or about the licensed premises, or exhibit or permit to

be exhibited any sign outside of the premises showing any nude male or female body, or any part thereof, nor any printed words that might indicate that the licensed premises is a place that offers any form of sexual or nude entertainment.

(9) No person carrying on the business of a body-rub parlour shall practice or provide or permit the practice or provision therein of a therapeutic touch technique or advertise in any way that a therapeutic touch technique is available or being practiced on the premises.

(10) Any club subject to regulation under By-law No. 2647 providing any services similar to a body-rub parlour, body painting studio or model studio shall, in addition to any other licensing requirement, obtain a body-rub parlour, body painting studio or model studio license pursuant to Schedule "A" and shall comply with the regulations set forth in this section."

Commentary

A reading of these by-laws suggests that the City is attempting to limit prostitution to two venues: body-rub parlours and escort services. These are the only By-laws that require the owner of the establishment to report the names and addresses of employees to the police.

Note that, unlike the By-law for a health enhancement centre, the body rub By-law does not expressly prohibit acts of prostitution on the premise. In body-rubs, women are allowed to provide services to men (body rubs employ mostly women), but only persons of the same sex are allowed to provide services in massage parlours and steam baths (some of which also serve as venues for prostitution). While the body-rub By-law prohibits both the advertising of and the provision of a therapeutic touch technique, it prohibits only the advertising of "sexual entertainment." In contrast, the health enhancement centre By-law expressly prohibits acts of prostitution from occurring on the premises. The innuendo is that "sexual entertainment" can occur in a body-rub parlour. The regulatory definition of a "body-rub" (Vancouver License By-law, p.2) confirms this:

> "Body rub" includes the manipulating, touching or stimulating by any means, of a person's body or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed...

Since a body-rub parlour is a "business" providing a service for which the patron pays, surely this leaves only one thing: acts of prostitution.

The distinction between dating services and social escort services is less clear. The distinction seems to have been wrought in the early 1990s. Prior to this, escort agencies advertised under both "dating" and "escort" headings in the Telephone Yellow Pages. More recently, however, they have advertised only under the title "escort." If escort services are simply providing introductions — i.e. "dates" — why is the regulatory distinction of "dating" and "social escorts" necessary? Apparently its purpose is to clarify which business is involved in commercial sex. In the case of dating services, the names of both parties have to be recorded. In the case of escort services, only the service provider's name has to be recorded. This way the client's anonymity can be preserved — in which case if he wants to purchase sex, he has an incentive to go to the "correct" venue.

Now consider the fees the City charges for different categories of business: There are roughly 150 license fee categories in Vancouver. 115 categories of business involve an annual fee of less

than $200.00. Another 24 are between $201.00 and $500.00. Only a handful are more than $500.00 (e.g. pubs and cabarets are $556.00; a public market is $886.00; concert halls vary from $1,839.00 to $2,644.00 depending on seating capacity; an amusement park is $3,156; the horse racing track is $7,473, and the Pacific National Exhibition is $10,463)

Annual License Fees:

Dating Services	$104.00
Massage Parlours	$172.00
Health Enhancement Centres	$160.00
Body Rub Parlours/etc.	$6,527.00
Escort Services	$802.00

At just over $6,500.00, a body-rub parlour license is the 3rd most expensive in Vancouver after the Pacific National Exhibition and the horse racing track.

Does the Regulation Work?

In 1998, although more than 80 escort services advertised in the Vancouver Yellow Pages, only 31 were licensed, yielding a paltry $24,862 for the city coffers. And the city issued only 98 individual escort licenses, an average of three per agency, which yielded another $10,584. There was just one licensed body rub. If we add to these revenues the three steam baths where male prostitution sometimes occurs ($179 each) the city received just over $42,500 from prostitution in 1997.

Does this mean that the off-street prostitution trade is relatively small, or that most of it is not licensed? We suspect that it is the latter, and that more people work in the off-street prostitution trade than work on the street. We know from sex sellers and buyers interviewed in Vancouver that some massage parlours and health enhancement centres are fronts for prostitution. Why pay many thousands of dollars for a body rub license when a massage parlour license is one fortieth of the cost? As to men and women working as escorts, why would they want to create an indelible record of their sex work with the city authorities?

Law Enforcement

If we examine law enforcement patterns, it is clear that off-street prostitution is not a priority. 95% of all charges are for "communicating." Since the early 1970s Canadian police have paid progressively less and less attention to bawdy house violations and off-street prostitution in general. In the early 1970s there were from 800 to 1200 bawdy house charges a year Canada-wide as compared to about 200 a year now. Perhaps it is the memory of what happened on the streets of Toronto and Vancouver in the 1970s when police closed down the off-street venues that makes the players in today's off-street prostitution trade (including city councils, which arguably live on the avails) almost immune from prosecution.

Appendix B
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